

**BEFORE**

**THE PUBLIC SERVICE COMMISSION OF**

**SOUTH CAROLINA**

Petition of Twin Chimneys Power	)	<b>PETITION FOR EXPEDITED</b>
Producers, LLC for Declaratory Order	)	<b>CONSIDERATION AND ISSUANCE</b>
	)	<b>OF A DECLARATORY ORDER</b>

Twin Chimneys Power Producers, LLC ("TCPP" or "Petitioner") through its undersigned counsel, petitions the Public Service Commission of South Carolina ("Commission"), pursuant to S.C. Code Ann. Section 58-5-35 and S.C. Code of Regulations 103-825, for expedited consideration and issuance of a declaratory order confirming that TCPP's landfill gas project described in this Petition is exempted from regulation by the Commission under S.C. Code § 58-5-35.

In support of its Petition, TCPP shows the Commission the following:

**Description of the Petitioner**

1. TCPP is a limited liability company organized and existing under the laws of the State of North Carolina and authorized to do business in the State of South Carolina.

2. TCPP is affiliated with Enerdyne Power Systems, Inc. (Enerdyne), a landfill gas project developer, owner, and operator based in Charlotte, North Carolina. Enerdyne and its affiliates have years of experience in developing, constructing and operating projects that make productive use of LFG, a renewable energy resource that landfill owners would otherwise be required to collect and flare. Enerdyne and its affiliates have developed and/or built approximately 60 LFG renewable energy projects nationwide in the past 30 years.

3. **Notices and Communications.** The name and address of the attorney for TCPP who is authorized to receive notices and communications with respect to this Petition are:

John J. Pringle, Jr.

Adams and Reese, LLP  
1501 Main Street, 5<sup>th</sup> Floor  
Columbia, SC 29201  
(803) 343-1270  
Jack.pringle@arlaw.com

**Applicable Law**

4. S.C. Code § 58-5-35, entitled “Exemption of certain public utilities and pipeline companies from regulation by Commission,” provides as follows:

Public utilities and pipeline companies engaged in the extraction, processing, distribution, or sale of landfill gas (LFG) derived from sanitary landfills, which provide this gas to no more than twenty customers from any single landfill, are exempt from regulation by the commission.

**Facts/Request for Relief**

5. TCPP has entered into a long term agreement with Greenville County for the utilization of landfill gas (LFG) generated from the Twin Chimneys Landfill, which is located at 11075 Augusta Road, Honea Path, SC, 29654. The Twin Chimneys Landfill is a “sanitary landfill” as defined by S.C. Code Ann. Section 44-96-40(44) of the South Carolina Solid Waste Policy and Management Act. LFG is methane that is a natural byproduct of the decomposition of organic landfill contents.

6. TCPP is planning to install a renewable natural gas processing facility that will collect LFG from the Twin Chimneys Landfill and separate and remove impurities from the LFG to meet pipeline quality specifications.

7. TCPP has entered into an agreement to sell the processed LFG to the Greenwood Commission of Public Works (GCPW), the local gas distribution company.

8. In order to deliver its processed LFG to the GCPW, TCPP will construct a pipeline from its processing facility to GCPW’s interconnection metering station located on the adjacent

side of Highway 25. TCPP's pipeline must cross South Carolina Department of Transportation (SCDOT) right-of-way in a rural location on Highway 25.

9. SCDOT has informed TCPP that it will grant permission for such crossing, upon TCPP providing it with an Order from this Commission confirming that TCPP is exempt from regulation under S.C. Code § 58-5-35.

10. TCPP will be selling processed LFG it harvests from the Twin Chimneys landfill to a single customer, the GCPW. TCPP's project is thus subject to the exemption set forth in S.C. Code § 58-5-35.

11. TCPP's project is a commercially feasible and environmentally beneficial means of safely collecting and productively using LFG naturally produced by decomposition of the contents of the Twin Chimneys sanitary landfill. LFG is a renewable energy resource and the productive use of LFG is in the public interest.

12. TCPP respectfully requests that this Petition be given expedited review. Expedited review will allow the installation of the natural gas processing facility and construction of the pipeline, and serve the public interest as described above.

13. Prior to filing this Petition, TCPP's representatives conferred with the South Carolina Office of Regulatory Staff ("ORS"). Petitioner understand that ORS will consent to and support the relief requested herein. TCPP and its counsel will endeavor to provide any additional information that may be helpful to ORS and to the Commission.

**Conclusion**

WHEREFORE, and for the foregoing reasons, Twin Chimneys Power Producers, LLC respectfully requests that the Commission (i) issue a declaratory order on an expedited basis finding that under the factual circumstances presented here TCPP is exempt from regulation by the Commission under S.C. Code Ann. § 58-5-35, and (ii) grant such other and further relief as the Commission deems just and proper.

Respectfully submitted,

s/John J. Pringle, Jr.  
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Attorneys for Twin Chimneys Power  
Producers, LLC

June 16, 2021

NORTH CAROLINA

## VERIFICATION

MECKLENBURG COUNTY

William P. Brinker, being first duly sworn, deposes and says that he is Manger of Twin Chimneys Power Producers, LLC, the Petitioner, that he has read the foregoing Petition and that the matters set forth therein are true of his own knowledge, except as to those matters and things therein alleged upon information and belief, which he believes to be true.

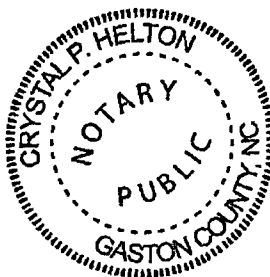
June 16 2021.



Sworn to and subscribed before me  
this the 16<sup>th</sup> day of June, 2021.



Notary Public

My Commission expires: April 6, 2024

**BEFORE**

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Petition of Twin Chimneys Power Producers, LLC for Declaratory Order	) )	<b>CERTIFICATE OF SERVICE</b>
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This is to certify that I have caused to be served today, the **Petition for Expedited Consideration and Issuance of a Declaratory Order** to the individuals listed below via electronic mail to the addresses on file with the Public Service Commission:

Jeffrey M. Nelson Office of Regulatory Staff <a href="mailto:jnelson@ors.sc.gov">jnelson@ors.sc.gov</a>	Becky Dover, Esquire Carri Grube - Lybarker, Esquire SC Department of Consumer Affairs <a href="mailto:clybarker@scconsumer.gov">clybarker@scconsumer.gov</a> <a href="mailto:bdover@scconsumer.gov">bdover@scconsumer.gov</a>
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s/ John J. Pringle, Jr.  
John J. Pringle, Jr.

June 16, 2021